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22 UNITED STATES DISTRICT COURT  
23  
24 NORTHERN DISTRICT OF CALIFORNIA

25 LACHLAN WATERBURY, KEN  
26 FAROTTE, individually and on behalf of  
27 all others similarly situated,

28 Plaintiffs,

v.

SAFEWAY INC., and DOES 1-25,  
inclusive,

Defendants.

Case No. C-06-02072 JL

**JOINT UPDATED CASE MANAGEMENT  
STATEMENT**

Judge: James Larson  
Dept.: F  
Date: December 17, 2008  
Time: 10:30 a.m.

1 As requested by the Court, Plaintiffs and Defendant Safeway Inc. ("Defendant") hereby  
 2 submit this updated joint case management statement in advance of the conference scheduled for  
 3 December 17, 2008.

4 The parties have stipulated that Plaintiffs' counsel may seek to add Plaintiff Lachlan  
 5 Waterbury to a state court action now pending before the Alameda County Superior Court, entitled  
 6 *Farotte v. Safeway, Inc. et al.*, (Alameda County Superior Court Case No. RG 05205915). In the  
 7 event that the Judge presiding over the Alameda County Superior Court approves such addition,  
 8 Plaintiffs' counsel would plan to seek dismissal of the current matter without prejudice.

9 The parties are currently working on the above-referenced stipulation and therefore request  
 10 that the case management conference set for December 17, 2008 be vacated and re-set in  
 11 approximately sixty days. By this time the parties believe they will know whether Waterbury will be  
 12 permitted to join the state court lawsuit.

13 Dated: December 12, 2008



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 15 LAURA E. HAYWARD  
 16 LITTLER MENDELSON  
 17 A Professional Corporation  
 18 Attorneys for Defendant  
 19 SAFEWAY INC.

20 Dated: December 12, 2008



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 22 KEVIN ALLEN  
 23 SCOTT COLE & ASSOCIATES, APC  
 24 Attorneys for Plaintiffs

25 Firmwide: 87748070.1 001153.1523

26 The Case Management Conference shall be continued to February 18, 2009 at 10:30a.m. The  
 27 parties are to file updated statements one week prior to the conference.

28 IT IS SO ORDERED.

DATED: 12/16/08



James Larson  
 Chief Magistrate Judge